

**BEFORE THE OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF OREGON
for the
OREGON DEPARTMENT OF EDUCATION**

IN THE MATTER OF:THE)	FINAL ORDER OF DISMISSAL
EDUCATION OF)	
)	OAH Case No. 2021-ABC-05105
STUDENT AND PLEASANT HILL)	Agency Case No. DP 21-116
SCHOOL DISTRICT 1)	
)	
)	

HISTORY OF THE CASE

On December 27, 2021, Parent filed with the Oregon Department of Education (Department) a Request for Hearing (Complaint) under the Individuals with Disabilities Education Act (IDEA) against the Pleasant Hill School District 1 (District). On December 28, 2021, the Department referred the Complaint to the Office of Administrative Hearings (OAH). The OAH assigned the matter to Administrative Law Judge (ALJ) John Mann.

On January 6, 2022, the District filed District’s Sufficiency Challenge to Request for Hearing (Sufficiency Challenge). In its Sufficiency Challenge, the District asserted that the Complaint failed to satisfy the requirements of 20 U.S.C. §1415(b)(7)(A) and OAR 581-015-2345(2) alleging that it failed to provide an adequate description of the nature of the problem of the child relating to the proposed initiation or change, including facts related to the problem. On January 13, 2022, ALJ Mann issued a Ruling on District’s Motion for Determination of Sufficiency of Request for Hearing and Final Order dismissing the Complaint for failing to meet the requirements of 20 U.S.C. §1415(b)(7)(A) and OAR 581-015-2345(2). However, ALJ Mann granted Parent permission to file an amended Complaint no later than February 11, 2022.

On February 1 and 2, 2022 Parent notified the OAH via email that Parent wished to withdraw the Complaint. On February 2, 2022, the District sent an email to the OAH stating that Parent had informed a mediator that Parent wished to withdraw the Complaint. Parent responded to the email and confirmed that Parent wished to withdraw the Complaint.

ORDER

The December 27, 2021 Request for Due Process Hearing in the above-captioned matter is DISMISSED without prejudice.

John Mann

Administrative Law Judge
Office of Administrative Hearings

APPEAL PROCEDURE

NOTICE TO ALL PARTIES: If you are dissatisfied with this Order you may, within 90 days after the mailing date on this Order, commence a nonjury civil action in any state court of competent jurisdiction, ORS 343.175, or in the United States District Court, 20 U.S.C. § 1415(i)(2). Failure to request review within the time allowed will result in **LOSS OF YOUR RIGHT TO APPEAL FROM THIS ORDER.**

ENTERED at Salem, Oregon this 7th day of February, 2022, with copies mailed to:

Mike Franklin, Oregon Department of Education, Public Services Building, 255 Capitol Street NE, Salem, OR 97310-0203.

CERTIFICATE OF MAILING

On February 7, 2022, I mailed the foregoing FINAL ORDER OF DISMISSAL in OAH Case No. 2021-ABC-05105 to the following parties:

BY: CERTIFIED MAIL:

Parent(s) of Student
1112 R Street
Springfield OR 97477

Joel Hungerford
Attorney at Law
The Hungerford Law Firm LLP
PO Box 3010
Oregon City OR 97045

Scott Linenberger
Superintendent
Pleasant Hill School District 1
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BY ELECTRONIC MAIL:

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Legal Specialist
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255 Capitol Street NE
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Anesia N Valihov
Hearing Coordinator
Office of Administrative Hearings